

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2002-395-E - ORDER NO. 2003-73

*vw*

FEBRUARY 12, 2003

IN RE: Application of Carolina Power & Light ) ORDER MODIFYING  
Company for a Certificate of Environmental ) PREFILE DATES FOR  
Compatibility and Public Convenience and ) TESTIMONY AND  
Necessity for the Construction and Operation ) EXHIBITS  
of a new 230 kV Transmission Line from its )  
Darlington County Generating Plant )  
Switchyard near Hartsville, SC to its Florence )  
230 kV Substation near Florence, SC. )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Request of Intervenors Robert James and Ellen James Ramsburgh (the individual Intervenors) to extend the time in which to prefile their testimony and exhibits. Previously, by Order No. 2003-20, dated January 15, 2003, this Commission established prefilng deadlines by which the Commission Staff and/or other parties were to prefile their testimony and exhibits on or before February 6, 2003.

By letter dated February 4, 2003, counsel for the individual Intervenors requested that the Commission grant intervenors an extension of time to prefile testimony and exhibits in this matter from February 6, 2003, until February 10, 2003. This Docket involves the Application of Carolina Power & Light Company (CP&L or the Applicant) for a Certificate of Environmental Compatibility and Public Convenience and Necessity to construct and operate the 230 kV transmission line from its Darlington County Generating Plant near Hartsville to its Florence transmission substation near Florence in

Darlington, Lee and Florence Counties in South Carolina. The individual Intervenors became a party to this proceeding upon their petition to intervene filed with the Commission January 3, 2003.

As set forth in the individual Intervenors' request for an extension of the prefilings dates, counsel for the individual Intervenors states that he only received the answers from CP&L to the intervenors' second set of interrogatories on February 4, 2003. The individual Intervenors' counsel asserts that it was necessary for him to file the second set of interrogatories on behalf of the individual Intervenors because he did not receive CP&L's Routing Study and Environmental Report until January 22, 2003, and immediately after review of the document, the second set of interrogatories concerning the study and report were sent to CP&L January 24, 2003. Additionally, the individual Intervenors' counsel states that he will be out of town on other business February 5, 2003. According to the individual Intervenors' counsel, additional time is needed to file the individual Intervenors' testimony and exhibits due to his not receiving CP&L's answers to the second set of interrogatories until February 4, 2003, and his having to be out of town on the following day. Lastly, counsel for the individual Intervenors adds that CP&L has stated that it does not object to an extension of time for filing testimony and exhibits being granted to the intervenors.

Upon consideration of the individual Intervenors' request, we approve and grant the request for an extension of time to prefile testimony and exhibits. We discern no prejudice by the request since all intervenors in this proceeding are being granted the

same extension. Further, we amend the prefile dates for filing of any rebuttal and surrebuttal testimony and exhibits.

Accordingly, Order No. 2003-20, dated January 15, 2003, captioned “Order Establishing Prefiling Deadlines” is modified as follows<sup>1</sup>:

The Commission hereby orders that twenty-five copies of the direct testimony and exhibits of the Commission Staff and/or intervenors shall be pre-filed on or before **February 10, 2003**. (Direct testimony and exhibits may be post-marked on these dates.) Also, any rebuttal testimony and exhibits of the Applicant shall be pre-filed on or before **February 17, 2003**, and any surrebuttal testimony and exhibits of the Commission Staff and/or intervenors shall be pre-filed on or before **February 19, 2003**. (Rebuttal testimony and exhibits and surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on these dates.)

It should be noted that acceptance into the record of surrebuttal testimony and exhibits is subject to the discretion of the Commission. In addition, parties shall serve their pre-filed testimony and exhibits on all other parties of record as required by the Commission’s Rules and Regulations. All parties are reminded that all witnesses must be present during any hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses’ testimony to be read into the record of the proceeding, and/or may decline to allow the witnesses’ exhibits to be entered into the evidence of the case.

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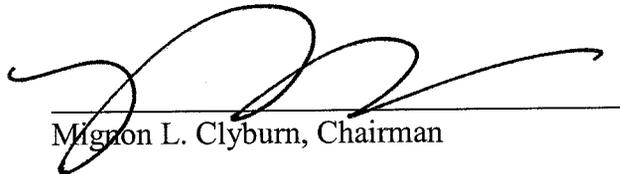
<sup>1</sup> The modifications herein relate only to the due dates for pre-filing of testimony and exhibits. The instructions concerning filing, number of copies to be filed, and service on other parties have not been modified from Order No. 2003-20, but those instructions are repeated herein for emphasis to the parties.

Please take notice that any party requesting modification of this schedule must file a request for such modification with the Commission.

IT IS THEREFORE ORDERED:

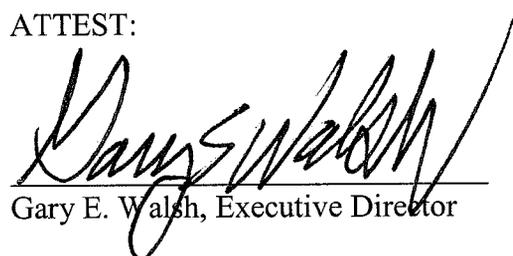
1. The scheduling order for filing testimony and exhibits as set out by Order No. 2003-20, dated January 15, 2003, is hereby modified as outlined above.
2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director

(SEAL)